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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,359	06/19/2006	Philippe Salmon	4590-529	8190
33308 7590 08/12/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
PECHIE, JORGE O				
ART UNIT		PAPER NUMBER		
3664				
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08/12/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,359

Applicant(s)

SALMON ET AL.

Examiner

Jorge O. Peche

Art Unit

3664

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 and 24-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22 and 24-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of Applicant's argument/remarks filed on June 2, 2010, claims 17-22 and 24-33 are pending and an action on the merits is as follows.

Applicant's arguments with respect to amended claims 17-22 and 24-33 have been fully considered but are moot in view of a new ground(s) of rejection. Applicant has amended claim 17-19, 21-22, 24-27, and 29-30, cancelled claims 1-16 and 23, and added claims 33-37.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the claim invention is not distinct; the claim language does not distinctly identify "a first trajectory prediction unit configured to establish a profile" and "second trajectory prediction unit configures to establish a profile." For instance, it is unknown whether the latter and former profiles are the same or different.

Applicant should cancel the "profile" limitation and keep "a first safety surface" and "a second safety surface" limitations.

Furthermore, the scope of the claim invention is not distinct; the claim language does not distinctly identify "first risk of collision," "first alarm," "second risk of collision" and "second alarm." For instance, it is unknown (1) what are the differences between the first and second risk of collisions, (2) under what condition the first alarm is activated and what type of warning, avoidance and/or maneuver signals the first alarm generates to a pilot, (3) under what condition the second alarm is activated and what type of warning, avoidance and/or maneuver signals the second alarm generates to the pilot (see page 12, line 20 – page 13, line 25)

Claims 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the claim invention is not distinct; the claim language does not distinctly identify "a prealarm as a function of the results of the third comparison," and "third risk of collision" For instance, it is unknown (1) under what condition the prealarm is activated and what type of warning, avoidance and/or maneuver signals the prealarm generates to a pilot (see page 12, line 20 – page 13, line 25).

Claims 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the claim invention is not distinct; the claim language does not distinctly identify "first risk of collision," "first alarm," "second risk of collision" and "second alarm." For instance, it is unknown (1) what are the differences between the first and second risk of collisions, (2) under what condition the first alarm is activated and what type of warning, avoidance and/or maneuver signals the first alarm generates to the pilot, (3) under what condition the second alarm is activated and what type of warning, avoidance and/or maneuver signals the second alarm generates to the pilot (see page 12, line 20 – page 13, line 25)

Claims 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of the claim invention is not distinct; the claim language does not distinctly identify "a third alarm as a function of the results of the third comparison," and "third risk of collision" For instance, it is unknown (1) under what condition the third alarm is activated and what type of warning, avoidance and/or maneuver signals the first alarm generates to the pilot (see page 12, line 20 – page 13, line 25).

Claims 18-22, 24-34, 36-37 are objected to as being dependent upon a rejected base claim.

Response to Argument

In the Applicant's arguments filed June 2, 2010, with respect to the rejections of claims 17-20 and 25 - 32 under 35 U.S.C. 102(b) as being unpatentable over Meunier (Patent No.: US 6,480,120) and claims 21-24 under 35 U.S.C. 103(a) as being unpatentable over Meunier (Patent No.: US 6,480,120) in view of Applicant's background of the invention have been fully considered but are not persuasive.

Regarding Applicant's arguments with respect to the amended claims, the Applicant is kindly invited to consider the above new ground of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge O. Peche whose telephone number is (571)270-1339. The examiner can normally be reached on 8:30 am - 5:30 pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi H. Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge O Peche/
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664